



## Legislation Details (With Text)

**File #:** 0074X-2015    **Version:** 1

**Type:** Resolution    **Status:** Passed

**File created:** 3/12/2015    **In control:** Public Service & Transportation Committee

**On agenda:** 3/30/2015    **Final action:** 4/2/2015

**Title:** To declare the City's necessity and intent to appropriate the fee simple title and lesser real property interests for the Department of Public Service, Malin Street and Morse Road (PID 55006-100000) Public Improvement Project; and to declare an emergency. (\$0.00)

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. 1-WD, 2. 1-T, 3. 2-WD, 4. 2-T, 5. 3-T, 6. 4-T

Date	Ver.	Action By	Action	Result
4/2/2015	1	ACTING CITY CLERK	Attest	
4/1/2015	1	MAYOR	Signed	
3/30/2015	1	COUNCIL PRESIDENT	Signed	
3/30/2015	1	Columbus City Council	Adopted	Pass

**BACKGROUND:** The City is engaged in the Department of Public Service, Malin Street and Morse Road (PID 55006-100000) Public Improvement Project ("Public Project"). The City desires to acquire certain fee simple title and lesser real property interests (collectively, "Real Estate") in order to complete the Public Project. Specifically, the City passed Ordinance Number 0126-2015 on January 26, 2015, which authorized the City Attorney to acquire the Real Estate. Furthermore, the City intends to appropriate the Real Estate in the event the City Attorney is unable to perform either of the following: (i) locate the owners of the Real Estate, or (ii) agree with Real Estate's owners regarding the amount of just compensation for the Real Estate. Accordingly, this resolution declares the City's immediate necessity and intent to appropriate the Real Estate for the Public Project.

**FISCAL IMPACT:** Not applicable.

**EMERGENCY JUSTIFICATION:** Emergency action is requested in order to allow for the acquisition of the Real Estate in order to complete the Public Project without unnecessary delay, which will preserve the public peace, health, property, safety, and welfare.

To declare the City's necessity and intent to appropriate the fee simple title and lesser real property interests for the Department of Public Service, Malin Street and Morse Road (PID 55006-100000) Public Improvement Project; and to declare an emergency. (\$0.00)

**WHEREAS,** it is in the City's best interest to declare the City's necessity and intent to appropriate the fee simple title and lesser property interests (*i.e.* Real Estate) being acquired by the City Attorney for the Department of Public Service, Malin Street and Morse Road (PID 55006-100000) Public Improvement Project (*i.e.* Public Project);

**WHEREAS,** an emergency exists in the usual daily operations of the Department of Public Service, in that it is

immediately necessary to declare the City's intent to appropriate the Real Estate in order to prevent unnecessary delay in completing the Public Project, which will preserve the public peace, property, health, welfare, and safety; and **now, therefore,**

**BE IT RESOLVED BY THE COUNCIL OF THE CITY OF COLUMBUS, OHIO**

**SECTION 1.** Pursuant to the City's Charter, Columbus City Revised Code, Chapter 909 (1959), Constitution of the state of Ohio, and Ohio Revised Code, Chapter 719, the City declares the immediate necessity and intent to appropriate the fee simple title and lesser real property interests to the following listed parcels of real property (collectively, "Real Estate"), which are fully described in their associated exhibits and incorporated into this resolution for reference, in order to complete the Department of Public Service, Malin Street and Morse Road (PID 55006-100000) Public Improvement Project ("Public Project"):

**(EXHIBIT) ... (PUBLIC PROJECT PARCEL IDENTIFICATION)**

- 1) 1-WD
- 2) 1-T
- 3) 2-WD
- 4) 2-T
- 5) 3-T
- 6) 4-T

**SECTION 2.** The City Attorney is authorized to cause a written notice of this resolution's adoption to be served in the manner provided by law upon the owner(s), person(s) in possession, or person(s) possessing a real or possible real property interest of record in the Real Estate in order to complete the Public Project.

**SECTION 3.** For the reasons stated in the preamble of this resolution, which are fully incorporated into this resolution as if rewritten, this resolution is declared to be an emergency measure and shall take effect and be in force from and after this resolution's adoption and approval by the mayor or ten (10) days after this resolution's adoption if the mayor neither approves nor vetoes this resolution.